



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 14, 2025

By ECF

The Honorable Denise L. Cote
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *American Civil Liberties Union Foundation v. United States Immigration and Customs Enforcement, et al.*, No. 24 Civ. 7444 (DLC)

Dear Judge Cote:

This Office represents Defendants United States Immigration and Customs Enforcement (“ICE”), United States Department of Homeland Security (“DHS”), United States Customs and Border Protection (“CBP”), and United States Department of Justice (“DOJ”) in the above-named action. Plaintiff American Civil Liberties Union Foundation brings suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”). The parties write jointly, pursuant to the Court’s order of January 14, 2025, ECF No. 38, to provide a status update regarding each agency’s processing of the FOIA requests at issue.

ICE: ICE made its first and final release of responsive, non-exempt records on November 19, 2024. Plaintiff inquired about FOIA exemptions applied to a spreadsheet in ICE’s November 19, 2024 production; ICE reprocessed this spreadsheet with fewer redactions and reproduced it to Plaintiff on February 11, 2025. Plaintiff also inquired about contracts that it believed to be responsive to its request pursuant to a lead from publicly available sources. ICE responded to this inquiry on January 22, 2025, confirming that there are no contracts responsive to Plaintiff’s FOIA request.

DHS: On November 26, 2024, DHS produced 21 responsive, non-exempt pages related to one of Plaintiff’s two FOIA requests. DHS has located no other records responsive to that request. As to the second FOIA request, DHS’s search for records yielded 5,715 potentially responsive pages. DHS has reviewed approximately 2,288 of those pages and determined that they are all non-responsive. DHS is in the process of reviewing the remainder of the pages for responsiveness; to the extent any responsive records are located, DHS will process them and produce any non-exempt portions thereof. DHS proposes to process the remaining documents at a rate of 400 pages per month, and it is Plaintiff’s position that it is entitled to 500 pages per month.

CBP: CBP previously stated to Plaintiff that “CBP can begin producing by the end of December,” but the agency completed its search prior to February 10, 2025, which yielded approximately 621 potentially responsive pages. CBP previously stated that it would endeavor to process 500 pages per month, such that processing of the potentially responsive pages would be complete by mid-April and that it anticipated that its first production will take place by March 10,

2025. Due to resource constraints and document formatting issues, CBP may not be able to meet its target processing rate of 500 pages per month, but it nonetheless anticipates completing processing of all 621 potentially responsive pages by April 15, 2025.

DOJ, Office of Legal Counsel (“OLC”): OLC completed its search and identified 14 pages of potentially responsive records. To streamline OLC’s production, Plaintiff previously agreed that DOJ can produce only a portion of one of these documents, and that Plaintiff will determine on reviewing that portion whether Plaintiff will seek the document in its entirety. OLC has transmitted some or all of the remaining pages to three separate entities for consultation. Those pages remain outstanding at this time, but OLC will produce those documents as quickly as possible after consultations are complete.

The parties request permission to submit another joint status report on or before March 17, 2025.

We thank the Court for its consideration of this request.

Respectfully,

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